THE HON'BLE SRI JUSTICE C.V. RAMULU

5th June, 2006

W.P.No.15577 of 1999

Between:

Y. Lakshmidevamma .. Petitioner

And

Government of Andhra Pradesh,
represented by the Secretary to
the Ministry of Food & Agriculture,
Secretariat Buildings, Hyderabad
and 3 others .. Respondents

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ORAL ORDER:

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This writ petition is filed challenging the Proceedings dated 2-7-1999 issued by the 3rd respondent- Revenue Divisional Officer, Penukonda, whereunder a fresh notification for appointment of a fair shop dealer (BC woman) for Ubicherla village, Nallacheruvu Mandal, Anantapur district was issued, on the ground that the said vacancy was already filled up on permanent basis by the 3rd respondent vide his Proceedings dated 8-5-1998.

On behalf the respondents, a detailed counter affidavit has been filed admitting that the petitioner was appointed as a permanent dealer vide Proceedings dated 8-5-1998 of the 3rd respondent, as it was reserved for BC woman candidate. However, one G.Parvatha Reddy filed a writ petition in W.P.No.11944 of 1998 before this Court complaining that no guidelines were followed while issuing the notification and the said writ petition was dismissed on 22-4-1998. The said Judgment was misconstrued and a fresh notification was issued on 2-7-1999. The petitioner has challenged the said notification and obtained an interim order on 31-8-1999, by virtue of which she has been continuing as a fair price shop dealer.

In view of the averments made in the counter affidavit filed on behalf of the respondents that since the Order passed by this Court in Writ Petition No.11944 of 1998 was misconstrued and that led to the issuance of a fresh notification and as the petitioner has been continuing as a fair shop dealer since 1998, the impugned notification is liable to be set aside and the same is accordingly set aside.

Accordingly, the writ petition is allowed. No order as to costs.

5-6-2006

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